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Friday, December 06, 2002

To Whom It May Concern:

I am writing today in response to the Federal Communications Commissions' request for comments on whether a regulatory copy protection regime is needed for digital broadcast television.

You first ask several questions of the content providers. Although I am not a content provider, I am an American citizen who utilizes broadcast television content. I believe a digital restriction mechanism (some people prefer the euphemism "digital rights management") would have a negative impact on consumers' experience. This technology would serve to restrict users in their established fair-use rights. It ultimately gives control of the consumers' property (digital television sets, digital video recorders, etc.) to the content producers. That is an unacceptable situation.

The content providers believe these restrictions are necessary to protect the product they are distributing. They claim that they will withhold premiere content if there is no guarantee that it will not be copied. I, as a consumer, would rather have the flexibility to use content and the control over my own property than any "premiere" shows they may provide. I have no fear that if they withhold their content, other, more consumer friendly, content will be produced and distributed.

I also believe this ruling will harm United States technology companies. If the FCC coerces all the United States technology companies into respecting this proposed broadcast flag, foreign technology companies will not. Since consumers are not stupid, they will purchase the uncrippled foreign devices. This can be witnessed in the number of foreign DVD players that do not adhere to the DVD Consortium's region scheme. Why should I, or anybody else, be forced to purchase crippled electronics?

Not only do I believe that this proposal will harm United States technology companies, but I believe it will harm innovation. It was a piano salesman, not a singer or songwriter, who came up with the player piano. It was an electronics company, who came up with the VCR, not a movie company. Another electronics company that came up with the compact disc -- not a record label. The broadcast flag seeks to control how the content is used at the expense of new, innovative ways of using and experiencing it.

I respectfully ask the FCC to not to mandate the broadcast flag. Thank you.

Sincerely,

Bernie Hoefer